

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUDOLPH F. ESTRADA,
Petitioner,
v.
FRESNO COUNTY JAIL,
Respondent.

No. 2:23-cv-0469 DB P

ORDER

Petitioner, a pretrial detainee¹ proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has not paid the filing fee or a request to proceed in forma pauperis. Petitioner has filed this action on the form for filing a petition for writ of habeas corpus. However, it appears that petitioner’s action may be better suited to an action pursuant to 42 U.S.C. § 1983 because he challenges a jail policy restricting items that inmates may receive through the mail. (See ECF No. 1 at 8-14.) “Federal law opens two main avenues to relief on complaints related to imprisonment: a petition for writ of habeas corpus, 28 U.S.C. § 2254, and a complaint under . . . 42 U.S.C. § 1983.” Muhammad v. Close, 540 U.S. 749, 750 (2004) (per curiam). “Challenges to the validity of any confinement or to particulars affecting its duration are the province of habeas corpus; request for relief turning on the circumstances of confinement may be presented in a § 1983 action.” Id. (internal citation omitted).

¹ Petitioner indicates that criminal charges against him are “pending.” (ECF No. 1 at 6.)

Additionally, upon review of the application, it is clear that petitioner's claim, whether it is ultimately litigated through a petition for writ of habeas corpus or a § 1983 action, seeks to challenge restrictions placed upon him during the course of his incarceration in the Fresno County Jail. (See ECF No. 1 at 2, 8-14.) Fresno County is part of the Fresno Division of the United States District Court for the Eastern District of California. See Local Rule 120(d).

Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper division of a court may, on the court's own motion, be transferred to the proper division of the court. Therefore, this action will be transferred to the Fresno Division of the court. This court will not rule on petitioner's request to proceed in forma pauperis.


Good cause appearing, IT IS HEREBY ORDERED that:

1. This action is transferred to the United States District Court for the Eastern District of California sitting in Fresno; and

2. All future filings shall reference the new Fresno case number assigned and shall be filed at:

United States District Court
Eastern District of California
2500 Tulare Street
Fresno, CA 93721

Dated: March 22, 2023


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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DB/DB Prisoner Inbox/Habeas/R/estr0469.109